

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, ex
rel. BRYAN QUESENBERRY,

Plaintiff,

vs.

GOLOB FARMS LLC; INLAND
DESERT NURSERY INC.; COFS,
INC.; and USAC WA, LLC,

Defendants.

NO. 1:20-CV-3123-TOR

ORDER OF DISMISSAL

BEFORE THE COURT are Relator Bryan Quesenberry's Notice of Voluntary Dismissal (ECF No. 9) and the United States' Notice of Consent to Dismissal (ECF No. 10). The Court has reviewed the briefing and the record and files therein and is fully informed.

Pursuant to Federal Rule of Civil Procedure 41(a) and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), *et. seq.*, the Relator is voluntarily dismissing this matter with prejudice as to himself and without prejudice as to the

1 United States of America. The Relator is also asking for a refund of his \$400 filing
2 fee. “[T]hough the Ninth Circuit has not spoken to this issue directly—numerous
3 other courts have found that the voluntary dismissal of an action does not entitle
4 the litigant to a refund of filing fees.” *See Green v. Bank of Am.*, No. 2:12-CV-
5 02093-GEB, 2012 WL 5032414, at *1 (E.D. Cal. Oct. 17, 2012); *Duclairon v.*
6 *LGBTQ Cmty. & Grace Cmty. Church Klan*, No. 3:18-CV-01095-AC, 2018 WL
7 5085754, at *1 (D. Or. Oct. 17, 2018). Nothing in the statute, 28 U.S.C. § 1914, or
8 any other statute, provides for the refund of a filing fee for any reason.

9 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 10 1. This action is dismissed **with prejudice** as to Relator Bryan Quesenberry
11 and **without prejudice** as to the United States of America.
- 12 2. The seal shall be lifted upon Relator’s Complaint, Relator’s Notice of
13 Dismissal, the United States’ Notice of Consent to Dismissal, this Order,
14 and any subsequent filings in this case. All other contents of the Court’s
15 file in this action shall remain under seal and not be made public.
- 16 3. The Court denies Relator’s request for a refund of the filing fee.

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1 The District Court Clerk shall file this order and Judgment accordingly and
2 furnish copies to counsel for both the United States and Relator, Bryan
3 Quesenberry.

4 DATED September 30, 2021



Thomas O. Rice
THOMAS O. RICE
United States District Judge

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